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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/731,758

12/08/2000

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59864.00529

9624

32294 7590 02/04/2008
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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

02/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

FEB 04 2008

Technology Center 2100

Application Number: 09/731,758
Filing Date: December 08, 2000
Appellant(s): FACCIN ET AL.

Arlene P. Neal
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/19/2007 appealing from the Office action mailed 1/3/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner in order to simply review for the Board: The rejection of claims 1, 34, 37, 68 and 78 under 35 U.S.C §103(a) as being unpatentable over Lahtinen et al, U.S Patent No. 6.745.029 in view of Akhtar et al, U.S Patent No. 6.769.000 is withdrawn. The rejection of claims 1, 34, 37, 68 and 78 under 35 U.S.C §103(a) as being unpatentable over Hoffman, in view of Roy, U.S Patent No. 6.947.432 is also withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20010031635	Bharatia	10-2001
5742668	Pepe et al	4-1998
6611685	Rune et al	8-2003
6148199	Hoffman et al	11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1> Claims 1, 34, 37, 68, 78 and 85 are rejected under 35 U.S.C §102(e) as being anticipated by Bharatia, U.S Patent Publication No. 2001|0031635.

2> As to claim 85, Bharatia discloses an apparatus, comprising:

sending means for sending, from a visiting network of a plurality of networks connected to a home network, an identification of the subscriber and an access to be provided to the subscriber [0081, 0111 : subscriber identification, services supported];

in response to the identification of the subscriber and access to be provided to the subscriber, storing, in the visited network, a subscriber profile of an authorized access of a plurality of authorized accesses to be provided to the subscriber [0078, 0081 : receives profile information]; and

controlling means for controlling access of the subscriber to a network dependent upon a comparison of the access to be provided to the subscriber and the stored subscriber profile having the authorized access of the plurality of authorized accesses [0081 : based upon subscriber information, service services such as call control and messaging are supported];

generating means for generating an application level registration message including the identification of the subscriber in response to a request from a subscriber equipment to the visited network [0077, 0111-0116 : "application level registration requests"]; transmitting means for transmitting, in the visited network receiving the request, an update location message to the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located [0015, 0102, 0141].

3> As to claims 1, 34, 37, 68, 78, see rejection of claim 85, above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4> Claims 1-31 and 34-85 rejected under 35 U.S.C 103(a) as being unpatentable over Pepe et al, U.S Patent No. 5,742,668 ["Pepe"], in view of Rune et al, U.S Patent No. 6,611,685 ["Rune"].

5> As to claims 1, 34, 37, 68, 78, and 85, Pepe discloses a method and apparatus of controlling access of a subscriber to a network comprising:

sending, from a visiting network of a plurality of networks connected to a home network, an identification of the subscriber and an access to be provided to the subscriber [column 2 «lines 19-37» | column 6 «lines 47-52»: provision of identification is implicit in order to retrieve the correct profile from home network];

in response to the identification of the subscriber and access to be provided to the subscriber, storing, in the visited network, a subscriber profile of an authorized access of a plurality of authorized accesses to be provided to the subscriber [column 2 «lines 19-37»]; and

controlling access of the subscriber to a network dependent upon a comparison of the access to be provided to the subscriber and the stored subscriber profile having the authorized access of the plurality of authorized accesses [column 2 «lines 19-37» | column 6 «lines 11-27» and 47-52»];

wherein an application level registration message including the identification of the subscriber is generated in response to a request from a subscriber equipment to the visited network [column 15 «line 66» to column 16 «line 35» : where the registration message includes the subscriber ID].

Pepe discloses updating the location of the subscriber at the home network [column 2 «lines 31-37» : “updating the visiting location of a user in the HLR (home location register)”] but does not expressly disclose an update location message.

6> Rune expressly discloses an update location message that is sent to a home network and informs the home network of the identification of the subscriber and a particular network at which the subscriber is located [column 6 «lines 23-40» : “update_location

message”]. It would have been obvious to incorporate Rune’s messaging functionality into Pepe’s system. One would have been motivated to provide such a combination because such functionality is well known in the art for updating home networks as to the location of subscribers and to properly access what services are available to the subscribers.

7> As for claims 2, 41, 42, 70, 71, Pepe teaches a method wherein: the storing of the subscriber profile is in the home network (e.g. Figure 1).

8> As for claims 3, 43, 72, 80, 81, Pepe teaches a method wherein: the storing of the subscriber profile is in the visited network (e.g. Col. 22, lines 4-10).

9> As for claims 4, 7, 10, Pepe teaches a method wherein: each difference access provides a different degree of bandwidth in communications (e.g. Col. 6, lines 10-19).

10> As for claims 5, 8, 11, Pepe teaches a method wherein: each access provides for a different degree of security in communications (e.g. Col. 6, lines 35-45).

11> As for claims 6, 9, 12, Pepe teaches a method wherein: each access provides different connection supplementary services (e.g. Col. 7, lines 15-25).

12> As for claim 13, Pepe teaches a method wherein: the home network is an Internet protocol network and the visited network is a wireless cellular bearer network (e.g. Col. 23, lines 50-60).

13> As for claim 14, Pepe teaches a method wherein: the public cellular bearer network is a general packet radio system network (e.g. Col. 18, lines 30-40).

14> As for claim 15, Pepe teaches a method wherein: the home network is an Internet protocol network and the visited network is an Internet service provider (e.g. Col. 2, lines 58, 65 and Col. 22, lines 37-41).

15> As for claim 16, Pepe teaches a method wherein: the home network is an Internet protocol network and the visited network is a wireless local area network (e.g. Col. 23, lines 28- 38).

16> As for claims 17-31, Pepe teaches a method wherein: the access is chosen from a plurality of authorized accesses which may be granted to the subscriber (e.g. Col. 6, lines 47-59).

17> As for claim 40, Pepe teaches a method wherein: the controlling of the service provided to the subscriber occurs from a request of a call controlling entity (e.g. Col. 8, lines 48-54).

18> As for claim 44-47, Pepe teaches a method wherein: the sending of the identification of the subscriber and an access occurs in response to the transmission of an access type indicator identifying a network in which the subscriber is registered through the visited network to the home network or in response to a request from a call serving entity (e.g. Col. 6, lines 10-26).

19> As for claims 48-54, Pepe teaches a method wherein: the subscriber profile comprises general service data used in providing service to the subscriber and data regarding permitted access of the subscriber to the networks (e.g. Col. 9, lines 37-50).

20> As for claim 55, Pepe teaches a method wherein: the application level access originates from equipment of the subscriber registered to one of the networks (e.g. Col. 20, lines 22-35).

21> As for claim 56, Pepe teaches the access originates from an interface between the visited network and one of the access networks to which the subscriber is registered (PCI 40, Fig. 1).

22> As for claim 57, Pepe teaches a method wherein: the access is determined by a call control entity based upon information obtained by the control entity about the network to which the subscriber is registered (e.g. Col. 20, lines 4-20).

23> As for claim 58, Pepe teaches a method wherein: in response to at least one subsequent identification of the subscriber and the access being provided at the home network, the home network sends to the visited network an acknowledgement of a change in registration of the subscriber to another access network (e.g. Col. 23, lines 28-35).

24> As for claim 59, Pepe teaches a method wherein: the access is used by the home network to control connectivity of communications to the subscriber through the home network (e.g. Col. 23, lines 50-60).

25> As per claims 60-67, the claims are rejected for similar reasons as stated above.

26> As for claims 73, 74, Pepe teaches a method wherein: the providing of the identification of the subscriber occurs in response to transmission of an access type indicator to the home network identifying an access network (e.g. Col. 23, lines 5-18).

27> As for claims 75-77, the claims are rejected for similar reasons as stated above.

28> As for claim 82, Pepe teaches a system wherein: an access comprising an identification of access to one of the networks in which the subscriber is registered is transmitted from the visited network to the home network and the storing of the subscriber profile is in response to the identification of access at the home network (e.g. Col. 16, lines 1-12).

29> As for claim 83, the claim is rejected for similar reasons as stated above.

30> As for claim 84, Pepe teaches the access is an application level access (Col. 2, lines 60-65).

31> Claims 32 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Pepe, in view of Hoffman, U.S Patent No. 6.148.199.

32> As to claims 32 and 33, Pepe does not disclose the claimed features. However, in the same field of invention, Hoffman discloses:

an application level registration message containing the identification of the subscriber and the access is generated in response to a request from subscriber equipment to a visited network entity [column 1 «lines 31-37»];

in response to an entity in the visited network receiving the request, an address of an entity in the home network is obtained from a routing analysis in the visited network [column 1 «lines 37-41»];

the application level registration message is transmitted to the address in the home network [column 1 «lines 37-41»]; and

an entity of the home network obtains the subscriber profile in response to receipt of the application level registration message [column 1 «lines 31-41»].

It would have been obvious to one of ordinary skill in the art to incorporate Hoffman's well known teachings into Pepe's system. One would have been motivated to

provide such a combination because such functionality is well known in the art for providing subscriber profiles to visited networks from home networks.

(10) Response to Argument

- I. THE REJECTION OF CLAIMS 1, 34, 37, 68, 78, AND 85 UNDER 35 U.S.C. §102(E) AS BEING ANTICIPATED BY BAHARATIA SHOULD BE MAINTAINED BECAUSE BAHARATIA DISCLOSES ALL THE LIMITATIONS AS CLAIMED.

Applicant argues that Baharatia fails to disclose two elements of the independent claims. Specifically, Applicant asserts that Baharatia does not teach: (1) a registration request message in response to a request from the subscriber equipment to the visited network; or (2) that the visited network receiving the request transmits an update location message to the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located. Contrary to Applicant's assertions, Baharatia expressly discloses each of these limitations.

- A. Baharatia's "Registration Notification" message reads on Applicant's claimed application level registration message.

Applicant's analysis focuses on the "Registration Request" message sent from the mobile terminal to a serving CSCF. Applicant argues that this message is not in response to a request from the subscriber equipment. Applicant's reliance on the "Registration Request" message is misplaced.

Baharatia's "Registration Request" message reads on Applicant's claimed "request from a subscriber equipment" and not the application level registration message. The "Registration Request" message from the mobile terminal is sent to Baharatia's serving

CSCF and in response to receiving the message, the serving CSCF message sends a "Registration Notification" message to register the mobile terminal. Baharatia, 0111-0112. The serving CSCF is part of the visited network. Baharatia, 0114 (compare "old CSCF" located on the old network). Baharatia's "Registration Notification" message reads on Applicant's claimed application level registration message as it is used by the network in the process of registering the mobile terminal. Baharatia, 0116.

B. Baharatia expressly discloses a visited network that transmits an update location message to the home network.

Applicant argues that Baharatia's visited network merely requests the subscriber's profile from the HSS. Applicant's analysis is incomplete. Baharatia expressly discloses that the visited network "sends an Update Location message" to the home network. Baharatia, 0015. The purpose of the "Update Location" message is to inform the home network of the new location of the user of the mobile terminal. Baharatia, 0140-0141. Thus, from the purpose of the message, it would have been obvious to one of ordinary skill in the art that the "Update Location" message would include an identification of the subscriber and the new network.

II. THE REJECTION OF CLAIMS 1-31 AND 34-85 UNDER U.S.C. §103(A) AS BEING UNPATENTABLE OVER PEPE IN VIEW OF RUNE SHOULD BE MAINTAINED BECAUSE THE COMBINATION DISCLOSES ALL THE LIMITATIONS AS CLAIMED.

Applicant argues that the combination of Pepe and Rune fails to disclose (1) an application level registration message including the identification of the subscriber and is generated in response to a request from a subscriber equipment to the visited network and (2) wherein the visited network receiving the request transmits an update location message to

the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located. Contrary to Applicant's assertions, the combination of Pepe and Rune expressly discloses each of these limitations.

A. Pepe discloses submitting an application level registration message and is generated in response to a request from a subscriber equipment.

Pepe describes that the concept of tracking a user from a home location to a visiting location was well known in the art. Col. 2, ll. 13-31. The visiting network loads profile data retrieved from the home network register – this process of updating the visiting location of a user in the home network is known as registration. Col. 2, ll. 31-37.

Pepe improves upon the prior art system by implementing an interface that operates between visiting and home networks. Col. 4, ll. 26-30. Pepe expressly discloses an application level registration message that is generated in response to a request from a subscriber equipment to the visited network. Col. 16, lines 27-43 (where the PCI server submits a request for the subscriber's profile). This request reads on Applicant's claimed application level registration message because the request for the profile serves to initiate the registration of the subscriber with the PCI server. Col. 16, ll. 52-56.

B. Rune discloses the visited network a visited network that transmits an update location message to the home network.

Pepe disclosed the well known feature of updating the location of the subscriber at the home network [column 2 «lines 31-37» :“updating the visiting location of a user in the HLR (home location register)”] but did not expressly disclose that such a function was performed by an update location message. However, Rune disclosed such a feature in the form of a "MAP_UPDATE_LOCATION" message. Rune discloses that such a message is sent from a

visiting network to update the home network about the location of a mobile station. Col. 3, ll. 7-12, col. 6, ll. 23-30.

Applicant argues that Rune discloses that the subscription information is sent from the gateway location register to the visited location register. This is only part of the Rune's process. The subscription information is sent from the gateway location register to the visited location register after the location register submits an update location message to the home network. Col. 6, ll. 26-40 (where " the GLR receives a MAP_UPDATE_LOCATION message from the VLR"). Rune thus remedies Pepe's deficiency by providing an explicit teaching of a message with the appropriate functionality to update the home network about the current location of a roaming subscriber. Rune, col. 6, ll. 41-54.

III. THE REJECTION OF CLAIMS 32 AND 33 UNDER 35 U.S.C §103(A) AS BEING UNPATENTABLE OVER PEPE AND RUNE, IN VIEW OF HOFFMAN SHOULD BE MAINTAINED BECAUSE PEPE AND RUNE DISCLOSE ALL THE LIMITATIONS AS CLAIMED.

Applicant merely argues that Hoffman does not cure Pepe's alleged deficiencies in teaching the limitations of claim 1. Applicant does not separately argue that the references fail to teach the limitations of claims 32 and 33. As discussed above, the combination of Pepe and Rune disclose all the limitations of independent claim 1. Therefore, the rejection of claims 32 and 33 should be maintained.

(II) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

DC
1/26/08

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January 31, 2008